

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

CONNIE STEELMAN, Individually,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 4:12-cv-00191-JCH
	:	
CITY OF SALEM, A Municipality and Political	:	
Subdivision of the State of Missouri,	:	
	:	
Defendant.	:	
	:	

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**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION TO WITHDRAW AS ATTORNEY**

John F. Ward, Esquire, hereby moves this Honorable Court to enter an Order allowing him to withdraw as attorney for the Plaintiff in the above-captioned matter and, in support thereof, states as follows:

1. Plaintiff, Connie Steelman, retained Thomas B. Bacon, P.A., based on the representation that she had visited the subject property in the above captioned matter, encountered barriers in her use and enjoyment of the property due to being in a wheelchair and wished to sue to have these barriers removed.

2. Plaintiff was aware that the only remedy available to her was injunctive relief, *i.e.*, that the barriers would be removed.

3. Plaintiff was also aware that her attorneys would seek attorneys' fees from the Defendant to be compensated for their time.

4. Thomas B. Bacon, P.A. retained David A. Weidner as local counsel and John F. Ward as co-counsel and handling attorney.

5. Prior to the filing the above captioned matter, Plaintiff reviewed the Complaint and signed an authorization confirming that she had visited the property and encountered barriers.

6. The Complaint is clear that injunctive relief is the only remedy Plaintiff may receive.

7. On or about February 17, 2012, John F. Ward filed a Verified Motion for Admission Pro Hac Vice in this matter.

8. On or about February 17, 2012, the Court entered a docket text Order granting John F. Ward's Verified Motion for Admission Pro Hac Vice.

9. On or about March 29, 2012, Thomas B. Bacon advised John F. Ward that Plaintiff had suddenly decided that she should be paid in the form of monetary damages and that Plaintiff had sent an email to Mr. Bacon terminating his firm's representation of her on all cases.

10. On or about April 2, 2012, David A. Weidner filed a Motion to Withdraw as counsel for Plaintiff.

11. On or about April 3, 2012, the Court entered a docket text Order granting David A. Weidner's Motion to Withdraw as counsel for Plaintiff.

12. "When ruling on an attorney's motion to withdraw, the Courts have frequently considered the relevant Rules of Professional Responsibility." *Jo Ann Howard and Associates, P.C. v. Cassity*, No. 4:09-cv-01252 ERW, 2012 WL 229316, at \*1 (E.D. Mo. 2012) (citing *Goodman Distrib., Inc. v. Haaf*, No. 4:10-CV-806 CAS, 2011 WL 6934265 (E.D. Mo. 2011)).

13. If an attorney's request to withdraw complies with these Rules, then it is "presumptively appropriate" for the district court to permit the attorney to withdraw. *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir.2009).

14. The United States District Court for the Eastern District of Missouri has adopted the Rules of Professional Conduct of the Missouri Supreme Court. *Jo Ann Howard and Associates, P.C.*, 2012 WL 229316, at \*1 (E.D. Mo. 2012) (citing E.D. Mo. L.R. 12.02)).

15. According to the Missouri Rules of Professional Conduct, “a lawyer ... shall withdraw from the representation of a client if ... the lawyer is discharged.” Mo. Sup. Ct. R. 4–1.16(a)(3).

16. Since the Plaintiff has terminated the attorney-client relationship with Thomas B. Bacon, P.A., John F. Ward must withdraw from the representation of the Plaintiff in this matter. *See id.*

For all of the above reasons, Mr. Ward respectfully requests that the Court grant this Motion and enter an Order allowing him to withdraw as attorney for the Plaintiff.

Respectfully Submitted,

s/ John F. Ward, Esquire  
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Dated: April 17, 2012